

MONTANA SENATE
2007 LEGISLATURE

STATE ADMINISTRATION

ROLL CALL

DATE 4-2-07

NAMES	PRESENT	ABSENT	EXCUSED
SEN. JOE BALLYEAT (R)	✓		
SEN. VICKI COCCHIARELLA (D)	✓		
SEN. JEFF ESSMANN (R)	✓		
SEN. STEVE GALLUS (D)			✓
SEN. LARRY JENT (D)	✓		
SEN. RICK LIABLE (R)	✓		
SEN. JESSE LASLOVICH (D)	✓		WAS AWAY
SEN. DAVE LEWIS (D)	✓		
SEN. JIM SHOCKLEY (R)	✓		
SEN. JOE TROPILA (D)	✓		
SEN. CAROLYN SQUIRES (D) CHAIR	✓		
DAVE BOHYER, LSD	✓		
CAROL ANDERSEN SECRETARY	✓		

Lois O'Connor



SENATE STANDING COMMITTEE REPORT

April 2, 2007

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **House Bill 520** (third reading copy -- blue) be concurred in.

Signed:


Senator Carolyn Squires, Chair

To be carried by Senator Vicki Cocchiarella

- END -

Committee Vote:

Yes 8, No 2

Fiscal Note Required



701740SC.ssc



SENATE STANDING COMMITTEE REPORT

April 2, 2007

Page 1 of 5

Mr. President:

We, your committee on **State Administration** recommend that **House Bill 462** (third reading copy -- blue) be concurred in as amended.

Signed:

Carolyn Squibbs
Senator Carolyn Squibbs, Chair

To be carried by Senator Jesse Laslovich

And, that such amendments read:

1. Title, page 1, line 8.

Strike: "AND"

Insert: "PROVIDING FOR THE DISPOSITION OF CURRENT CONSTITUENT SERVICES ACCOUNTS;"

Strike: "SECTION"

Insert: "SECTIONS 2-2-104 AND"

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 1.

Following: line 10

Insert: "NEW SECTION. Section 1. Definitions. As used in [sections 1 through 3], the following definitions apply:

(1) "Constituent services" means travel, mailing, and other expenses incurred to represent and serve constituents and authorized in rules adopted by the commissioner to implement the provisions of [sections 1 through 3].

(2) "Personal benefit" has the meaning provided in 13-37-240."

Renumber: subsequent sections

3. Page 1, line 13 through line 15.

Strike: "IS AN ACCOUNT" on line 13

Insert: "may be"

Strike: "HOLDING" on line 13 through "POSITION" on line 15

Insert: "elected to a statewide or legislative office to pay for

Committee Vote:

Yes 10, No 1

Fiscal Note Required ____

701825SC.ssc

constituent services"

4. Page 1, line 15.

Strike: "PUBLIC OFFICIAL"

Insert: "person elected to a statewide or legislative office"

5. Page 1, line 16.

Following: "(2)"

Insert: "(a) (i)"

6. Page 1, line 17.

Following: "."

Insert: "(ii) Except as provided in subsection (2)(a)(iii), a statewide official or legislator may accept contributions, subject to the limitations provided in [section 3], for deposit in a constituent services account only between the date on which the officeholder closes the officeholder's campaign account under 13-37-240 and the end of the officeholder's term of office or, if the officeholder runs for reelection or election to another office, the earlier of the date when the officeholder opens a campaign account or the date when the officeholder files a declaration for nomination pursuant to 13-10-201 or 13-14-112 or a declaration of intent pursuant to 13-10-211.

(iii) A legislator may not accept contributions for deposit in a constituent services account during a legislative session.

(b) "

Following: "used"

Insert: "only"

7. Page 1, line 17 through line 18.

Strike: "expenses" on line 17 through "constituents" on line 18

Insert: "constituent services"

8. Page 1, line 18.

Following: "."

Insert: "The money in the account may not be used for personal benefit. Expenditures from a constituent services account may not be made when the holder of the constituent services account also has an open campaign account."

9. Page 1, line 24 through page 2, line 1.

Strike: subsections (3) and (4) in their entirety

Insert: "(3) A statewide official or legislator may not establish any account related to the public official's office other than a constituent services account. This subsection does not prohibit a statewide official or legislator from establishing a campaign account."

Renumber: subsequent subsections

10. Page 2, line 2.

Strike: "an annual"

Insert: "a quarterly"

11. Page 2, line 4.

Following: "."

Insert: "The report must include the same information as required for a candidate reporting contributions under 13-37-229 and expenditures under 13-37-230. The report must be certified as provided in 13-37-231."

12. Page 2.

Following: line 6

Insert: "NEW SECTION. Section 3. Contribution limits applicable to constituent services accounts. (1) The holder of a constituent services account may accept contributions for deposit into the account only from an individual. A committee or corporation may not contribute to a constituent services account.

(2) During a term of office, aggregate contributions from one individual to a constituent services account are limited as follows:

(a) for the office of governor or lieutenant governor, not to exceed \$500;

(b) for a statewide office, other than the governor or lieutenant governor, not to exceed \$250;

(c) for a legislator, not to exceed \$130.

(3) A candidate may not accept any contributions in excess of the limits in this section."

Insert: "Section 4. Section 2-2-104, MCA, is amended to read:

"2-2-104. Rules of conduct for public officers, legislators, and public employees. (1) Proof of commission of any act enumerated in this section is proof that the actor has breached the actor's public duty. A public officer, legislator, or public employee may not:

(a) disclose or use confidential information acquired in the course of official duties in order to further substantially the individual's personal economic interests; or

(b) accept a gift of substantial value or a substantial economic benefit tantamount to a gift:

(i) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or

(ii) that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.

(2) An economic benefit tantamount to a gift includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for

similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of the services. Campaign contributions or contributions to a constituent services account pursuant to [sections 1 through 3] reported as required by statute are not gifts or economic benefits tantamount to gifts.

(3) (a) Except as provided in subsection (3)(b), a public officer, legislator, or public employee may not receive salaries from two separate public employment positions that overlap for the hours being compensated, unless:

(i) the public officer, legislator, or public employee reimburses the public entity from which the employee is absent for the salary paid for performing the function from which the officer, legislator, or employee is absent; or

(ii) the public officer's, legislator's, or public employee's salary from one employer is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.

(b) Subsection (3)(a) does not prohibit:

(i) a public officer, legislator, or public employee from receiving income from the use of accrued leave or compensatory time during the period of overlapping employment; or

(ii) a public school teacher from receiving payment from a college or university for the supervision of student teachers who are enrolled in a teacher education program at the college or university if the supervision is performed concurrently with the school teacher's duties for a public school district.

(c) In order to determine compliance with this subsection (3), a public officer, legislator, or public employee subject to this subsection (3) shall disclose the amounts received from the two separate public employment positions to the commissioner of political practices."

Renumber: subsequent sections

13. Page 2, line 12.

Following: "candidate"

Insert: "for a statewide elected or legislative office"

14. Page 2, line 13.

Strike: "1"

Insert: "2"

15. Page 2.

Following: line 16

Insert: "NEW SECTION. Section 6. Disposition of current accounts. A constituent services account that exists on [the effective date of this act] must be closed within 120 after [the effective date of this act]. Money in the account must either be spent on constituent services or donated to a charitable purpose."

Renumber: subsequent section

16. Page 2, line 18.

Strike: "[Section 1] is"

Insert: "[Sections 1 through 3] are"

17. Page 2, line 19.

Strike: the first "part 2,"

Strike: the second "part 2,"

Strike: "[section 1]"

Insert: "[sections 1 through 3]"

18. Page 2.

Following: line 19

Insert: "NEW SECTION. Section 8. Applicability. [This act] applies to any constituent services account opened on or after [the effective date of this act]."

- END -



SENATE STANDING COMMITTEE REPORT

April 3, 2007

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **Senate Resolution 8** (first reading copy -- white) **do pass**.

Signed: _____

Carolyn Squires
Senator Carolyn Squires, Chair

- END -

Committee Vote:

Yes 11, No 0

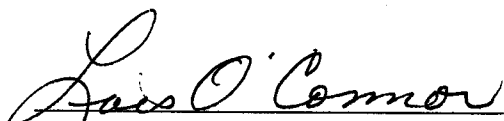
Fiscal Note Required — *KK*


711054SC.spb

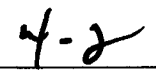
COMMITTEE FILE COPY

TABLED BILL

The **SENATE STATE ADMINISTRATION COMMITTEE** Tabled HB 351, by motion, on **Monday, April 2, 2007**.


(For the Committee)


(Secretary of the Senate)

_____, 
(Time) (Date)

April 2, 2007


Rita A. Tenneson, Secretary


Phone: 6799

COMMITTEE FILE COPY

TABLED BILL

The **SENATE STATE ADMINISTRATION COMMITTEE** TABLED HB 316, by motion, on **Monday, April 2, 2007**.


(For the Committee)


(Secretary of the Senate)

(Time) 4-2 (Date)

April 2, 2007

Rita A. Tenneson, Secretary


Phone: 6799

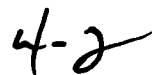
COMMITTEE FILE COPY

TABLED BILL

The **SENATE STATE ADMINISTRATION COMMITTEE** TABLED HB 619, by motion, on **Monday, April 2, 2007**.


(For the Committee)


(Secretary of the Senate)

_____, 
(Time) (Date)

April 2, 2007

Rita A. Tenneson, Secretary

Phone: 6799

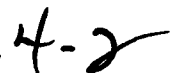
COMMITTEE FILE COPY

TABLED BILL

The **SENATE STATE ADMINISTRATION COMMITTEE** TABLED **HB 783**, by motion, on **Monday, April 2, 2007**.


(For the Committee)


(Secretary of the Senate)

_____, 
(Time) (Date)

April 2, 2007

Rita A. Tenneson, Secretary

Phone: 6799

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator

Cocchiarella

to vote my proxy on any issue before the Senate

State Administration

Committee

held on

4/2/07

, 2007.

— HB 351 Table —

HB 619 Table-yes

HB 420 Opt C yes —

SENATOR

STATE OF MONTANA

Ballus

HB 783 Table-yes

HB 316 Table-yes

**MONTANA STATE SENATE
2007 LEGISLATURE**

STATE ADMINISTRATION

VISITOR REGISTER

DATE April 2, 2007

BILLS BEING HEARD TODAY HB-462; HB-316; HB-351;
HB-619; HB-520; HB-783

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
GREGG Winston		SPB			
J mott	442-3261	mt. cm csl	462		X
Julie MacNaughton	442-4584	MT Commn Cause / Self	462, 783		X
E Andrews	459-1377	MT Commn Cause /	462		X
Carrie Marie Sunigley		MCU	316		X
ROBERT THROSSER	459-6865	MT Assoc Clerk Rec	520	X	
Cathy Day	461-0660	ACHR of MT	783		X
Sal Janyse		Gov's Office	462	✓	
"		"	316		✓
Paula Taconetti	466-2693	Teton County Clerk of Rec	520	X	
Elaine Maubley	4-5376	Self	783	X	
Debbie Mart	451-6803	Cascade County Elections	520	X	
Sheryl Wood	444-4300	MAC	520	X	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Amendments to House Bill No. 462
3rd Reading Copy

Composite amendments

For the Senate State Administration Committee

Prepared by Sheri Heffelfinger
April 2, 2007 (6:22pm)

1. Title, page 1, line 8.

Strike: "AND"

Insert: "PROVIDING FOR THE DISPOSITION OF CURRENT CONSTITUENT SERVICES ACCOUNTS;"

Strike: "SECTION"

Insert: "SECTIONS 2-2-104 AND"

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 1.

Following: line 10

Insert: "NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 3], the following definitions apply:

(1) "Constituent services" means travel, mailing, and other expenses incurred to represent and serve constituents and authorized in rules adopted by the commissioner to implement the provisions of [sections 1 through 3].

(2) "Personal benefit" has the meaning provided in 13-37-240."

Renumber: subsequent sections

3. Page 1, line 13 through line 15.

Strike: "IS AN ACCOUNT" on line 13

Insert: "may be"

Strike: "HOLDING" on line 13 through "POSITION" on line 15

Insert: "elected to a statewide or legislative office to pay for constituent services"

4. Page 1, line 15.

Strike: "PUBLIC OFFICIAL"

Insert: "person elected to a statewide or legislative office"

5. Page 1, line 16.

Following: "(2)"

Insert: "(a)(i)"

6. Page 1, line 17.

Following: "."

Insert: "(ii) Except as provided in subsection (2)(a)(iii), a statewide official or legislator may accept contributions,

subject to the limitations provided in [section 3], for deposit in a constituent services account only between the date on which the officeholder closes the officeholder's campaign account under 13-37-240 and the end of the officeholder's term of office or, if the officeholder runs for reelection or election to another office, the earlier of the date when the officeholder opens a campaign account or the date when the officeholder files a declaration for nomination pursuant to 13-10-201 or 13-14-112 or a declaration of intent pursuant to 13-10-211.

(iii) A legislator may not accept contributions for deposit in a constituent services account during a legislative session.

(b) "

Following: "used"

Insert: "only"

7. Page 1, line 17 through line 18.

Strike: "expenses" on line 17 through "constituents" on line 18

Insert: "constituent services"

8. Page 1, line 18.

Following: "."

Insert: "The money in the account may not be used for personal benefit. Expenditures from a constituent services account may not be made when the holder of the constituent services account also has an open campaign account."

9. Page 1, line 24 through page 2, line 1.

Strike: subsections (3) and (4) in their entirety

Insert: "(3) A statewide official or legislator may not establish any account related to the public official's office other than a constituent services account. This subsection does not prohibit a statewide official or legislator from establishing a campaign account."

Renumber: subsequent subsections

10. Page 2, line 2.

Strike: "an annual"

Insert: "a quarterly"

11. Page 2, line 4.

Following: "."

Insert: "The report must include the same information as required for a candidate reporting contributions under 13-37-229 and expenditures under 13-37-230. The report must be certified as provided in 13-37-231."

12. Page 2.

Following: line 6

Insert: "NEW SECTION. Section 3. Contribution limits applicable to constituent services accounts. (1) The holder of a constituent services account may accept contributions for deposit into the account only from an individual. A committee or corporation may not contribute to a constituent services account.

(2) During a term of office, aggregate contributions from one individual to a constituent services account are limited as follows:

(a) for the office of governor or lieutenant governor, not to exceed \$500;

(b) for a statewide office, other than the governor or lieutenant governor, not to exceed \$250;

(c) for a legislator, not to exceed \$130.

(3) A candidate may not accept any contributions in excess of the limits in this section."

Insert: "Section 4. Section 2-2-104, MCA, is amended to read:

"2-2-104. Rules of conduct for public officers, legislators, and public employees. (1) Proof of commission of any act enumerated in this section is proof that the actor has breached the actor's public duty. A public officer, legislator, or public employee may not:

(a) disclose or use confidential information acquired in the course of official duties in order to further substantially the individual's personal economic interests; or

(b) accept a gift of substantial value or a substantial economic benefit tantamount to a gift:

(i) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or

(ii) that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.

(2) An economic benefit tantamount to a gift includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of the services. Campaign contributions or contributions to a constituent services account pursuant to [sections 1 through 3] reported as required by statute are not gifts or economic benefits tantamount to gifts.

(3) (a) Except as provided in subsection (3) (b), a public officer, legislator, or public employee may not receive salaries from two separate public employment positions that overlap for the hours being compensated, unless:

(i) the public officer, legislator, or public employee reimburses the public entity from which the employee is absent for the salary paid for performing the function from which the officer, legislator, or employee is absent; or

(ii) the public officer's, legislator's, or public employee's salary from one employer is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.

(b) Subsection (3)(a) does not prohibit:

(i) a public officer, legislator, or public employee from receiving income from the use of accrued leave or compensatory time during the period of overlapping employment; or

(ii) a public school teacher from receiving payment from a college or university for the supervision of student teachers who are enrolled in a teacher education program at the college or university if the supervision is performed concurrently with the school teacher's duties for a public school district.

(c) In order to determine compliance with this subsection (3), a public officer, legislator, or public employee subject to this subsection (3) shall disclose the amounts received from the two separate public employment positions to the commissioner of political practices."

{Internal References to 2-2-104:

x20-25-109}"

Renumber: subsequent sections

13. Page 2, line 12.

Following: "candidate"

Insert: "for a statewide elected or legislative office"

14. Page 2, line 13.

Strike: "1"

Insert: "2"

15. Page 2.

Following: line 16

Insert: "NEW SECTION. **Section 6. Disposition of current accounts.** A constituent services account that exists on [the effective date of this act] must be closed within 120 after [the effective date of this act]. Money in the account must either be spent on constituent services or donated to a charitable purpose."

Renumber: subsequent section

16. Page 2, line 18.

Strike: "[Section 1] is"

Insert: "[Sections 1 through 3] are"

17. Page 2, line 19.

Strike: the first "part 2,"

Strike: the second "part 2,"

Strike: "[section 1]"

Insert: "[sections 1 through 3]"

18. Page 2.

Following: line 19

Insert: "NEW SECTION. **Section 8. Applicability.** [This act] applies to any constituent services account opened on or after [the effective date of this act]."

- END -

Amendments to House Bill No. 462
3rd Reading Copy

Requested by Representative Diane Sands

For the Senate State Administration Committee

Prepared by Sheri Heffelfinger
April 2, 2007 (2:28pm)

1. Page 1.

Following: line 10

Insert: "NEW SECTION. Section 1. Definitions. As used in [sections 1 and 2], the following definitions apply:

(1) "Constituent services" means travel, mailing, and other expenses incurred to represent and serve constituents and authorized in rules adopted by the commissioner to implement the provisions of [sections 1 and 2].

(2) "Personal benefit" has the meaning provided in 13-37-240."

Renumber: subsequent sections

2. Page 1, line 16.

Following: "(2)"

Insert: "(a)"

Following: "deposit"

Insert: "only"

3. Page 1, line 17.

Following: "."

Insert: "(b)"

Following: "used"

Insert: "only"

4. Page 1, line 17 through line 18.

Strike: "expenses" on line 17 through "constituents" on line 18

Insert: "constituent services"

5. Page 1, line 18.

Following: "."

Insert: "The money in the account may not be used for personal benefit. Expenditures from a constituent services account may not be made when the holder of the constituent services account also has an active campaign account."

6. Page 1, line 29 through page 2, line 1.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

7. Page 2, line 13.

Strike: "1"

Insert: "2"

8. Page 2, line 18.

Strike: "[Section 1] is"

Insert: "[Sections 1 and 2] are"

9. Page 2, line 19.

Strike: the first "part 2,"

Strike: the second "part 2,"

Strike: "[section 1]"

Insert: "[sections 1 and 2]"

- END -

Explanation - This set of amendments is **OPTION A** - regarding contribution amounts. It would not allow any other contributions to a constituent services account other than surplus campaign contributions. This set would be instead of either **HB046208.ash** or **HB046209.ash**.

This set of amendments is the same as **08** and **09** in how it defines terms, specifies what the money in a constituent services account may be used for and when contributions and expenditures may and may not be made to or from a constituent services account.